

## **Exhibit 1**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

LANDSCAPE CONSULTANTS OF  
TEXAS, INC., and METROPOLITAN  
LANDSCAPE MANAGEMENT, INC.,

Plaintiffs,  
v.

CITY OF HOUSTON, TEXAS, and  
MIDTOWN MANAGEMENT DISTRICT,

Defendants.

Civil Action No. 4:23-cv-03516

**DEFENDANT CITY OF HOUSTON'S DESIGNATION OF EXPERT WITNESSES**

TO: Plaintiff, Landscape Consultants of Texas, Inc., by and through their counsel of record by and through its counsel of record Erin E. Wilcox and Joshua P. Thompson, Pacific Legal Foundation, 555 Capitol Mall, Suite 1290, Sacramento, CA 95814.

Pursuant to the Federal Rules of Civil Procedure and the Order Granting Parties' Joint Motion for Entry of Amended Scheduling Order (Doc. No. 39), the City of Houston, (the "City" or "Defendant") states that the following persons may be called to provide expert testimony or present evidence at trial on behalf of the City.

**I. RETAINED EXPERTS**

Andres Bernal, J.D.  
Vice President, Disparity Services  
MGT Consulting  
4320 West Kennedy Blvd.  
Tampa, FL 33609  
[abernal@mgtconsulting.com](mailto:abernal@mgtconsulting.com)  
813.327.4717

Vernetta Mitchell, CCA Director  
Social Impact Solutions  
4320 West Kennedy Blvd.  
Tampa, Fl 33609

[vmitchell@mgtconsulting.com](mailto:vmitchell@mgtconsulting.com)  
704.330.9429

Mr. Bernal and Ms. Mitchell have been retained to provide factual and expert testimony in this matter on issues related to the expert economic and statistical research study and program recommendation that MGT is producing on behalf of the City of Houston.

Mr. Bernal and Ms. Mitchell have nearly 20 years of direct consulting and quantitative experience analyzing all aspects of racial equity and diversity and inclusion issues. This includes understanding how discrimination and racial equity impacts public sector decisions by applying advanced econometric techniques, such as linear and logistic regressions, for numerous public sector entities from State and Local governments to K-12 institutions. Additionally, they have an extensive background in quantitative analysis of public sector procurements as they relate to minority and women owned businesses, disproportionality, and disparate treatment of individuals throughout the criminal justice system, and racial equity in housing and employment.

Mr. Bernal and Ms. Mitchell are expected to opine that a statistically significant underutilization of certain groups exists in the award of public contracts, and are expected to opine regarding the relationship between the utilization and availability of MWBE and non-MWBE firms. Mr. Bernal and Ms. Mitchell will also testify regarding the methodology utilized by MGT in completing its disparity study, the conclusions set forth in that study, and the evidence underlying those conclusions.

Mr. Bernal's and Ms. Mitchell's testimony and opinions will rely on and be informed by the disparity study MGT is producing on behalf of the City of Houston, once finalized. To the extent Plaintiffs are granted leave to belatedly designate an expert who provides a written report, Mr. Bernal and Ms. Mitchell will respond to that report with a written report, or reports, of their own. Mr. Bernal's CV is attached as Exhibit A. Ms. Mitchell's CV is attached as Exhibit B.

The City reserves the right to call any expert designated by Plaintiffs or called by Plaintiffs at hearing or trial, to the extent Plaintiffs are afforded leave to belatedly designate experts.

The City further reserves the right to solicit testimony from any person identified by any party as a fact witness in this case, which may require such witness to rely upon their specialized knowledge, training, experience, education, or expertise in a particular field or which may be considered opinion testimony. It is expected that such persons and any non-retained persons would provide testimony consistent with any and all records they have generated and/or any testimony or statements provided to any person or party and within the realm of their expertise and training.

The City further reserves the right to supplement this designation, including upon completion and finalization of the MGT disparity study and its adoption by the City. Plaintiffs did not timely designate any experts. To the extent Plaintiffs late-designate or obtain leave to designate expert witnesses, the City specifically reserves the right to designate additional experts and to supplement and/or expand the scope of the opinions of the experts designated herein. The City reserves the right to supplement or amend the information provided in this disclosure.

## II. OTHER EXPERTS

The City also designates the following individuals to testify regarding reasonably and necessary attorneys' fees incurred by the City.

Sandy Hellums-Gomez  
Ben Stephens  
Husch Blackwell LLP  
600 Travis St., Suite 2350  
Houston, Texas 77002  
Telephone: (713) 525-6200  
Facsimile: (713) 647-6884

Ms. Hellums-Gomez and Mr. Stephens will offer testimony regarding the reasonable and necessary attorney's fees incurred by the City. Ms. Hellums-Gomez and Mr. Stephens may also offer rebuttal testimony regarding attorney's fee testimony offered by Plaintiff.

Ms. Hellums-Gomez and Mr. Stephens will testify regarding the City's reasonable and necessary attorney's fees incurred in the defense of this matter. Ms. Hellums-Gomez and Mr. Stephens résumés or curricula vitae are available upon request. Their testimony will be based upon her or his training, education, and experience, including her or his experience as an attorney licensed in the State of Texas, and upon the documents, pleadings, and matters related to this proceeding. They may testify regarding the attorney's fees incurred regarding this case. They may also testify regarding (a) any case law, literature, reports, or information they consider to be a reliable authority, and (b) testimony responsive to any other expert witness who provides information about reasonable attorney's fees. It is believed that the facts known to Ms. Hellums-Gomez and Mr. Stephens that relate to or form the basis of their mental impressions and opinions are contained in all of the attorney fee records and invoices and pleadings regarding this case. In forming their mental impressions and opinions, Ms. Hellums-Gomez and Mr. Stephens will also rely on their education and experience.

Respectfully submitted,

By: /s/ Ben Stephens  
Ben Stephens  
State Bar No. 24098472  
SDTX Bar No. 2898153  
[ben.stephens@huschblackwell.com](mailto:ben.stephens@huschblackwell.com)  
Sandy Hellums-Gomez  
State Bar No. 24036750  
SDTX Bar No. 561314  
[sandy.gomez@huschblackwell.com](mailto:sandy.gomez@huschblackwell.com)  
Jarrett Dillard  
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/s/ *Darah Eckert*  
Darah Eckert  
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State Bar No. 24007141  
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SUZANNE R. CHAUVIN  
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Houston, Texas 77002  
Telephone: (832) 393-6219  
Facsimile: (832) 393-6259

**ATTORNEYS FOR THE CITY OF HOUSTON**

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing has been served upon all counsel of record via email on July 31, 2024.

*/s/ Ben Stephens*  
Ben Stephens



## ANDRES BERNAL, J.D.

Vice President

MGT CONSULTING



Mr. Bernal is an expert in quantitative and methodological research, analyzing supplier diversity programs and business equity through his work on disparity and equity studies for the past 20 years. In the past two decades, he has had a key role in all of MGT's disparity and equity studies as a team leader, project director, or team member. He has been the quantitative and methodological research leader on every study since 2017, spearheading the collection of data, managing all levels of utilization and availability analyses, managing all levels of the various quantitative analyses, and implementing new methodologies that incorporate the latest disparity study legal court cases. Mr. Bernal is a nationally renowned expert in conducting all aspects of disparity study research and equity analyses.

Mr. Bernal has expertise in economic theories, including Microeconomic Theory, Macroeconomic Theory, Econometrics, Urban Economics, Experimental Economics, Human and Labor Resource Economics, and Regression Analysis. He has done extensive research using statistics and mathematical computations to analyze data. Mr. Bernal has extensive experience in SAS, SPSS, database design, Excel, PowerPoint, File Maker Pro, Word Perfect, Microsoft Word, and conducting Internet research.

### Areas of Expertise

|   |   |
|---|---|
| Disparity/Diversity Econometric and Statistical methods | Data collection and preparation   |
| Disparity/Diversity Legal and social research           | Research and evaluation   |
| Data and policy analysis                                | Conducting research studies related to diversity, equity, and disparities in education, business, and human services. |
| Survey sampling methods                                 | Qualitative research methods  |
| Fluency in English and Spanish                          |   |
| Community engagement and outreach                       |   |

### Education

- J.D., Case Western Reserve University School of Law, 2008
- M.A., Economics, Georgia State University, 2003
- B.S., Economics, Florida State University, 2001

### Memberships

- American Bar Association
- American Economic Association
- American Contract Compliance Association
- National Diversity Council
- American Statistical Association

### Sample of Relevant Equity Experience

- Tallahassee Consortium (FL) | M/W/SBE Disparity Study (City of Tallahassee, Leon County, Blueprint Intergovernmental Agency)
- City of Baltimore (MD) | Disparity Study
- Charleston County (SC) | Disparity Study
- City and County of Denver (CO) | M/W/DBE Disparity Study and Registered Apprenticeship Study
- City of Atlanta (GA) | Disparity Study
- City of Charlotte (NC) | Disparity Study
- City of Charlottesville (VA) | Disproportionate Minority Study
- City of Columbia (SC) | Analysis of Business Underutilization Causation
- City of Dallas (TX) | Availability and Disparity Study
- City of Miramar (FL) | Disparity Study
- City of New York (NY) | MWBE Disparity Study; Local Hiring Analysis
- City of Pensacola (FL) | Disparity Study
- City of Phoenix (AZ) | Disparity Study and Update
- City of Portsmouth (VA) | Procurement Disparity Study
- City of Tulsa (OK) | Business Disparity Study, Phase II
- City of Winston-Salem (NC) | Disparity Study
- Dane County (WI) | Review of Racial and Social Equity
- Government of the District of Columbia (DC) | Capability and Capacity Analysis
- Leon County (FL) | Disparity Study Update; Anecdotal, Legal, and Programmatic Review Disparity Study
- Nassau County (NY) | Disparity Study, Phase I & II
- Osceola County (FL) | Disparity Study



## ANDRES BERNAL, J.D.

*Vice President*

MGT CONSULTING

- City of Dayton (OH) | Third Generation Disparity Study; Second Generation Disparity Study
- City of Fort Lauderdale (FL) | Disparity Study
- City of Greensboro (NC) | Disparity Study
- City of Hampton (VA) | Disparity Study
- City of Jersey City (NJ) | Disparity Study
- Prince George's County (MD) | Utilization and Availability Study



## VERNETTA MITCHELL

Director

MGT CONSULTING



Ms. Mitchell is an expert in minority business program development and has developed and managed small, minority, and women business programs for local government entities and private sector companies for over 22 years.

- ✓ Held the position of MWBE Program Director for the City of Charlotte, where she redesigned the City's certification, outreach, and goal-setting processes.

Ms. Mitchell has participated on more than 30 disparity studies as a team leader or project director. She has extensive experience in project management, project scheduling, analytical reporting, facilitation, and public relations. Ms. Mitchell's experience in construction procurement, goods and services procurement, and program administration is critical asset in qualitative data collection, interpretation of procurement policies and procedures, and program expansion or improvement recommendations.

### Areas of Expertise

- ◆ Disparity Research
- ◆ Community Engagement
- ◆ Construction Procurement and General Purchasing Processes
- ◆ Data Management
- ◆ Project Management
- ◆ Quantitative Research and Data Collection
- ◆ Subcontractor Management
- ◆ Training and Development

### Education

B.S., Business Administration, Strayer University, 2005  
 Minority Business Executive Program (Tuck School of Business)

### Professional Affiliations

NC MWBE Coordinators' Network, Vice President 2020  
 American Contract Compliance Association, Mid-Atlantic Regional Coordinators 2020  
 Charlotte Business Inclusion Advisory Commission, Co-Chair 2020  
 National Black MBA Association, Member 2020

### Sample of Relevant Equity Experience

- Charlotte Consortium (NC) | Disparity Study (City of Charlotte, Mecklenburg County, Charlotte-Mecklenburg Schools)
- Tallahassee Consortium (FL) | M/W/SBE Disparity Study (City of Tallahassee, Leon County, Blueprint Intergovernmental Agency)
- Charlotte Housing Authority (NC) | Disparity Study
- City and County of Denver (CO) | M/W/DBE Disparity Study and Registered Apprenticeship Study
- City of Charlotte (NC) | Disparity Study
- City of Charlottesville (VA) | Disproportionate Minority Study
- City of Dallas (TX) | Availability and Disparity Study
- City of Dayton (OH) | Third Generation Disparity Study; Second Generation Disparity Study; Policy Implementation Assistance
- City of Fort Lauderdale (FL) | Disparity Study

- City of Greensboro (NC) | Disparity Study
- City of Hampton and Schools (VA) | Disparity Study
- City of Jersey City (NJ) | Disparity Study
- City of Miramar (FL) | Disparity Study
- City of New York (NY) | MWBE Disparity Study; Local Hiring Analysis
- City of Pensacola (FL) | Disparity Study; M/WBE Program Implementation; Review of Small Business Enterprise Program
- City of Portsmouth (VA) | Procurement Disparity Study; MWBE Program Implementation
- City of Tulsa (OK) | Business Disparity Study, Phase I & II; Program Implementation Assistance
- City of Winston-Salem (NC) | Disparity Study
- Guilford County Schools (NC) | Disparity Study
- Prince George's County (MD) | Utilization and Availability Study

**From:** Rodriguez, Shellee  
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**Subject:** Case 4:23-cv-03516 Landscape Consultants of Texas, Inc. et al v. City of Houston, Texas et al  
**Date:** Wednesday, July 31, 2024 4:17:38 PM  
**Attachments:** 4887-1155-8100.1 2024.07.31 COH Designation of Expert Witnesses.pdf

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Counsel,

Attached please find Defendant City of Houston's Designation of Expert Witnesses in the above matter.

Thank you,

**Shellee Rodriguez**  
**Paralegal**

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